

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA PUBLIC  
INFORMATION BOARD BILL)

**A BILL FOR**

1 An Act relating to the confidentiality of certain law  
2 enforcement reports, records, and information under Iowa's  
3 open records law.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 5, Code 2021, is amended  
2 to read as follows:

3 5. a. (1) Peace officers' investigative reports,  
4 ~~privileged records or information specified in section 80G.2,~~  
5 ~~and specific portions of electronic mail and telephone billing~~  
6 ~~records of law enforcement agencies if that information is~~  
7 ~~part of an ongoing investigation,~~ except where disclosure is  
8 authorized elsewhere in this Code. However, the date, time,  
9 specific location, and immediate facts and circumstances  
10 surrounding a crime or incident shall not be kept confidential  
11 under this ~~section~~ subsection, except in those unusual  
12 circumstances where disclosure would plainly and seriously  
13 jeopardize an investigation or pose a clear and present danger  
14 to the safety of an individual.

15 (2) For purposes of this paragraph, *"immediate facts and*  
16 *circumstances surrounding a crime or incident"* include but are  
17 not limited to the following:

18 (a) The identity of any individual arrested in connection  
19 with the crime or incident.

20 (b) The identity of any individual believed to be  
21 responsible for the crime or incident if such disclosure would  
22 not reasonably frustrate attempts to apprehend the individual.

23 (c) The identity of any victim of the crime or incident,  
24 if such information is not otherwise protected by law or court  
25 order.

26 (d) Any criminal charges filed in connection with the crime  
27 or incident.

28 (e) Booking photographs from any arrests that occurred in  
29 connection with the crime or incident.

30 (f) A concise description of the facts of the crime or  
31 incident sufficient to reveal the probable cause for any  
32 arrests that occurred in connection with the crime or incident.

33 (g) Any contemporaneous audio or video recordings of the  
34 crime or incident.

35 b. Specific portions of electronic mail and telephone

1 billing records of law enforcement agencies may ~~only~~ be kept  
2 confidential under this subsection if that information is part  
3 of an ongoing investigation or if the length of time prescribed  
4 for commencement of prosecution or the finding of an indictment  
5 or information under the statute of limitations applicable to  
6 the crime that is under investigation has not expired.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the confidentiality of certain law  
11 enforcement reports, records, and information under Iowa's open  
12 records law.

13 Current Code section 22.7(5) provides that peace officers'  
14 investigative reports, privileged records or information  
15 specified in Code section 80G.2 (providing that a law  
16 enforcement officer shall not be examined or be required to  
17 give evidence in any criminal proceeding regarding certain  
18 records and information which are confidential and privileged),  
19 and specific portions of electronic mail and telephone billing  
20 records of law enforcement agencies if that information is part  
21 of an ongoing investigation, shall be kept confidential unless  
22 otherwise ordered by a court, by the lawful custodian of the  
23 record, or by another authorized person, or where disclosure  
24 is authorized elsewhere in Iowa law. However, the date, time,  
25 specific location, and immediate facts and circumstances  
26 surrounding a crime or incident shall not be kept confidential  
27 except in those unusual circumstances where disclosure would  
28 plainly and seriously jeopardize an investigation or pose  
29 a clear and present danger to the safety of an individual.  
30 Specific portions of electronic mail and telephone billing  
31 records may only be kept confidential if the length of time  
32 prescribed for commencement of prosecution or the finding of  
33 an indictment or information under the statute of limitations  
34 applicable to the crime that is under investigation has not  
35 expired.

1 The bill amends Code section 22.7(5) to provide that peace  
2 officers' investigative reports shall be kept confidential  
3 unless otherwise ordered by a court, by the lawful custodian of  
4 the record, or by another authorized person, or except where  
5 disclosure is authorized elsewhere in the Code, and removes the  
6 reference to Code section 80G.2.

7 The bill retains current law allowing the release of  
8 the date, time, specific location, and immediate facts and  
9 circumstances surrounding a crime or incident, and specifies  
10 that the "immediate facts and circumstances surrounding a crime  
11 or incident" include but are not limited to: the identity  
12 of any individual arrested in connection with the crime  
13 or incident; the identity of any individual believed to be  
14 responsible for the crime or incident if such disclosure would  
15 not reasonably frustrate attempts to apprehend the individual;  
16 the identity of any victim of the crime or incident, if such  
17 information is not otherwise protected by law or court order;  
18 any criminal charges filed in connection with the crime or  
19 incident; booking photographs from any arrests that occurred in  
20 connection with the crime or incident; a concise description  
21 of the facts of the crime or incident sufficient to reveal the  
22 probable cause for any arrests that occurred in connection with  
23 the crime or incident; and any contemporaneous audio or video  
24 recordings of the crime or incident.

25 The bill retains current law which provides that specific  
26 portions of electronic mail and telephone billing records of  
27 law enforcement agencies may be kept confidential if that  
28 information is part of an ongoing investigation or if the  
29 length of time prescribed for commencement of prosecution  
30 or the finding of an indictment or information under the  
31 statute of limitations applicable to the crime that is under  
32 investigation has not expired.